

On October 30, 1924, W. A. Camp & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

**12820. Adulteration and misbranding of tablet triturates nitroglycerin. U. S. v. 89 Bottles of Tablet Triturates Nitroglycerin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19021. I. S. No. 13699-v. S. No. B-4950.)**

On September 30, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 89 bottles of tablet triturates nitroglycerin, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Hance Bros. & White, Inc., from Philadelphia, Pa., on or about February 17, 1923, and transported from the State of Pennsylvania into the State of New York and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "100 Tablet Triturates Nitroglycerin 1/100 gr. Distributed and Guaranteed by Morgenstern & Co. 31 Park Place New York City Factory Edgewater, N. J."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the tablets contained not more than 0.0007 grain of nitroglycerin each, which is 93 per cent less than the amount declared.

Adulteration of the article was alleged in the libel for the reason that its strength fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statement "Tablet Triturates Nitroglycerin 1/100 gr." was false and misleading.

On October 31, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**12821. Adulteration and misbranding of lutein tablets. U. S. v. Morgenstern & Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 18365. I. S. Nos. 507-v, 1785-v, 2785-v.)**

On October 27, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Morgenstern & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about April 27, April 30, and June 1, 1923, respectively, from the State of New York into the States of New Jersey, Massachusetts, and Pennsylvania, respectively, of quantities of lutein tablets which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of potato starch, licorice root, and celery seed, with very little, if any, *corpus luteum* or other animal tissue.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard or quality under which it was sold, in that each tablet was sold as containing 5 grains of lutein and as representing approximately 20 grains of fully-developed *corpora lutea*, whereas, in truth and in fact, each tablet contained little or no lutein or *corpora lutea*.

Misbranding was alleged for the reason that the statements "5 Gr. Lutein (Corpus Luteum) Tablets \* \* \* Each tablet represents approximately twenty grains of fully developed *corpora lutea*," borne on the labels attached to the bottles containing the article, were false and misleading, in that the said statements represented that the tablets each contained 5 grains of lutein (*corpus luteum*) and that each of the said tablets represented approximately 20 grains of fully-developed *corpora lutea*, whereas each of said tablets did not contain 5 grains of lutein (*corpus luteum*) and each of said tablets did not represent approximately 20 grains of fully-developed *corpora lutea*, in that

the said tablets contained little, if any, lutein or *corpora lutea*. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale and sold under the name of another article, to wit, 5-grain lutein (*corpus luteum*) tablets.

On October 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture*.

**12822. Misbranding of feed tankage. U. S. v. 360 Sacks of Feed Tankage. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19053. I. S. No. 22008-v. S. No. C-4465.)

On August 20, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 360 sacks of feed tankage at Goodland, Kans., alleging that the article had been shipped by the Ruedy Products Co., Denver, Colo., on or about August 9, 1924, and transported from the State of Colorado into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that the packages containing the article were labeled as containing 100 pounds net weight, whereas, in truth and in fact, the said packages contained a materially less amount than 100 pounds net weight.

On September 5, 1924, the Ruedy Products Co., Denver, Colo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be rebranded to show the true contents of the said sacks.

W. M. JARDINE, *Secretary of Agriculture*.

**12823. Misbranding of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18935. I. S. No. 20409-v. S. No. W-1548.)

On or about August 13, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of butter, at San Francisco, Calif., alleging that the article had been shipped by the Makins Produce Co., from San Francisco, Calif., July 29, 1924, and transported from the State of California into the Territory of Hawaii (returned to San Francisco), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Net Weight One Pound Blanchard Brand Pasteurized Butter Packed and Guaranteed by Makins Produce Co. San Francisco."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight One Pound" was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 18, 1924, the Makins Produce Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture*.

**12824. Adulteration and misbranding of flour. U. S. v. 1,000 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17277. I. S. No. 8472-v. S. No. W-1315.)

On February 13, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure